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e-mail: intrprop@ssmp.com

SCULLY, SCOTT, MURPHY &
PRESSER

Fax

To: U.S. Patent and Trademark Office	From: Edward W. Grolz, Esq.
Fax: 1(703) 746-9195	Pages: 15 (including cover sheet)
Phone:	Date: 6/1/2004
Re: Response to Notice Regarding Benefit/Priority Claim(s) U.S.S.N.: 10/646,874 Our Docket: 15463ZYXWV	
CC:	

☒ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

● Attached for recordation in the United States Patent and Trademark Office are the following documents:

1. Notice Regarding Benefit/Priority Claim(s)
2. Response to Notice Regarding Benefit/Priority Claim(s)
3. Request for Corrected Filing Receipt
4. Copy of Form PCT/DO/EO/903
5. Filing Receipt corresponding to U.S.S.N.: 07/847,018
6. Certificate of Facsimile Transmission dated June 1, 2004

CONFIDENTIALITY: The documents accompanying this facsimile transmission may contain information which is either confidential or legally privileged and is intended only for the authorized use of the individual or entity named above without right or publication or republication, dissemination or disclosure except as expressly set forth or established by course of dealing. All rights are reserved. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of the contents of this facsimile is prohibited. If you received this transmission in error, please notify us immediately by telephone to arrange for return of the documents.

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Nicole De Santis at ext. 571.

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UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
0/646,874	08/22/2003	1648	1426	15463ZYXWV (PC9003E)	49	26	3

CONFIRMATION NO. 6784

FILING RECEIPT



OC000000011549630

3389
SCULLY SCOTT MURPHY & PRESSER, PC
100 GARDEN CITY PLAZA
GARDEN CITY, NY 11530

Date Mailed: 12/22/2003

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Timothy J. Miller, Malvern, PA;
Albert Paul Reed, Exton, PA;
Sharon R. Klepfer, Clifton Heights, PA;
Nancy E. Pfeiffer, Seward, NE;
Brian T. Suiter, Lincoln, NE;
Elaine V. Jones, Wynnewood, PA;

Assignment For Published Patent Application

Pfizer, Inc., New York, NY;

Domestic Priority data as claimed by applicant

This application is a CON of 09/854,799 05/14/2001 PAT 6,642,359
which is a CON of 08/392,459 02/22/1995 PAT 6,280,974
which is a CON of 07/847,018 04/08/1992 ABN

Foreign Applications

If Required, Foreign Filing License Granted: 12/19/2003

Projected Publication Date: 04/01/2004

Non-Publication Request: No

Early Publication Request: No

Page 2 of 2

Title Recombinant feline coronavirus S proteins

Preliminary Class
435

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/646,874	08/22/2003	Timothy J. Miller	15463ZYXWV (PC9003E)

CONFIRMATION NO. 6784

23389
 SCULLY SCOTT MURPHY & PRESSER, PC
 400 GARDEN CITY PLAZA
 GARDEN CITY, NY 11530



OC000000012489960

Date Mailed: 04/29/2004

Notice Regarding Benefit/Priority Claim(s)

☐ Improper Benefit Claim(s) to Prior-Filed Nonprovisional Application(s)

The benefit claim(s) to prior-filed nonprovisional application(s) is improper because there is no specific reference for each prior-filed application that includes: (1) the identification of the prior-filed application by application number, or international application number and international filing date; and (2) a clear indication the relationship (i.e., continuation, divisional, or continuation-in-part) of the nonprovisional applications. For example, applicant should amend the specification to include a specific reference, such as "This application is a continuation of Application No. 10/---,--- filed ---." in the first sentence of the specification following the title.

Applicant should review each benefit claim submitted and, if appropriate, provide the proper reference to the prior-filed application(s) as required by 37 CFR 1.78. A proper relationship includes an identification of each nonprovisional application as a continuation, divisional or continuation-in-part application of the immediate prior-filed nonprovisional application for which a benefit is claimed under 37 CFR 1.78 in order to establish copendency throughout the entire chain of prior-filed applications. The specific reference must be included in the domestic priority information section of an application data sheet (37 CFR 1.76), or the specification must contain, or be amended to contain, such reference in the first sentence following the title.

Timeliness: The required reference for each benefit claim must be filed during the pendency of the instant application and within the later of: (1) four months from the actual filing date of the instant application, or the national stage commencement date if the instant application is a national stage application under 35 U.S.C. 371; or (2) sixteen months from the filing date of the prior-filed application. Failure to timely file the required reference is considered a waiver of any benefit claim, unless a grantable petition to accept an unintentionally delayed claim under 37 CFR 1.78(a), the surcharge set forth in 37 CFR 1.17(t), and the required reference are filed. See 37 CFR 1.78(a).

☐ Improper Benefit Claim(s) to Prior-Filed Nonprovisional Application(s)

The benefit claim(s) to prior-filed provisional application(s) is improper because the instant application was not filed within twelve (12) months from the filing date of the provisional application,

benefit of the provisional application and filed within 12 months of the filing date of the provisional application. For example, applicant should amend the specification to include a specific reference, such as "This application is a continuation of Application No. 10/---,--- filed ---, which claims the benefit of U.S. Provisional Application No. 60/---,--- filed---." in the first sentence of the specification following the title.

Applicant should review each benefit claim submitted and, if appropriate, provide the proper reference to the prior-filed applications (including an indication of any intermediate nonprovisional application that is directly claiming the benefit of the provisional application and filed with 12 months of the filing date of the provisional application) as required by 37 CFR 1.78. The required reference must be included in the domestic priority information section of an application data sheet (37 CFR 1.76), or the specification must contain, or be amended to contain, such reference in the first sentence following the title.

Timeliness: The required reference for each benefit claim must be filed during the pendency of the instant application and within the later of: (1) four months from the actual filing date of the instant application, or the national stage commencement date if the instant application is a national stage application under 35 U.S.C. 371; or (2) sixteen months from the filing date of the prior-filed application. Failure to timely file the required reference is considered a waiver of any benefit claim, unless a grantable petition to accept an unintentionally delayed claim under 37 CFR 1.78(a), the surcharge set forth in 37 CFR 1.17(t), and the required reference are filed during the pendency of the instant application.

☐ **Improper Priority Claim(s) to Prior-Filed Foreign Application(s)**

The instant application was not filed within twelve (12) months from the filing date of the prior-filed foreign application, and there is no benefit claim to an intermediate nonprovisional application filed within 12 months of the filing date of the foreign application. Applicant should review each priority claim submitted and, if appropriate, provide the proper reference to any intermediate nonprovisional application filed within 12 months of the filing date of the foreign application in compliance with 37 CFR 1.78, or delete the priority claim. The required reference to an intermediate nonprovisional application must be included in the domestic priority information section of an application data sheet (37 CFR 1.76), or the specification must contain, or be amended to contain, such reference in the first sentence following the title.

Timeliness: The required reference for the benefit claim to an intermediate nonprovisional application must be filed during the pendency of the instant application and within the later of: (1) four months from the actual filing date of the instant application, or the national stage commencement date if the instant application is a national stage application under 35 U.S.C. 371; or (2) sixteen months from the filing date of the prior-filed application. Failure to timely file the required reference is considered a waiver of any benefit claim, unless a grantable petition to accept an unintentionally delayed claim under 37 CFR 1.78(a), the surcharge set forth in 37 CFR 1.17(t), and the required reference are filed.

☐ **Benefit Claims to More Than 400 Prior-Filed Applications**

The Office's automated system to record and capture benefit claims is only capable of recording benefit claims for 400 prior-filed applications. Therefore, the Office is unable to generate a filing receipt containing benefit claims for more than 400 prior-filed applications even though applicant is entitled to submit benefit claims for more than 400 prior-filed applications. Accordingly, applicant should not request a corrected filing receipt to include benefit claims for more than 400 prior-filed applications.

☒ **Prior-Filed Nonprovisional Application has been Improperly Indicated as a National Stage (35**

Page 3 of 3

Applicant submitted a benefit claim to a prior-filed nonprovisional application and improperly indicated that the prior-filed application is a national stage application under 35 U.S.C. 371. The Office's records show that the prior-filed application is an application filed under 35 U.S.C. 111(a). The Office has entered the benefit claim to the prior-filed application as a benefit claim to an application filed under 35 U.S.C. 111(a). Any request for a corrected filing receipt to include the indication that the prior-filed application is a national stage application will not be granted unless applicant supplies evidence that the prior application was in fact a national stage application. Accordingly, applicant should not submit such request without such evidence. Applicant should submit an amendment (or an application data sheet (ADS) if the benefit claim was submitted in an ADS) to delete the indication that the prior-filed application is a national stage application.

For more information and examples on benefit claims, please see Claiming the Benefit of a Prior-Filed Application under 35 U.S.C. 119(e), 120, 121, and 365(c), 1268 Off. Gaz. Pat. Office 89 (March 18, 2003), which is available on the USPTO website at <http://www.uspto.gov/web/offices/com/sol/og/2003/week11/patbene.htm>, and the Manual of Patent Examining Procedure (MPEP) §§ 201.11 and 201.14.

PART 2 - COPY TO BE RETURNED WITH RESPONSE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Timothy J. Miller, et al.	Examiner:	Unassigned
Serial No.:	10/646,874	Art Unit:	1648
Filed:	August 22, 2003	Docket:	15463ZYXWV (PC9003F)
For:	RECOMBINANT FELINE CORONAVIRUS S PROTEINS	Conf. No.:	6784
		Dated:	June 1, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE REGARDING
BENEFIT/PRIORITY CLAIM**

Sir:

In response to the Notice Regarding Benefit/Priority Claim(s) dated April 29, 2004, applicants respectfully submit that the prior submitted benefit claim to a prior-filed nonprovisional application indicating that said application was a national stage application under 35 U.S.C. 371 was in fact correct. Accordingly, applicants are resubmitting a request for corrected filing receipt. Accompanying said request, is a copy of Form PCT/DO/EO/903 evidencing the fact that U.S.S.N. 07/847,018 was in fact filed under 35 U.S.C. 371 based on PCT/US91/08525 filed on November 14, 1991. In addition, a copy of the filing receipt to U.S.S.N. 07/847,018 is also enclosed, said filing receipt also indicating the benefit claim to PCT/US91/08525.

CERTIFICATION OF FACSIMILE TRANSMISSION

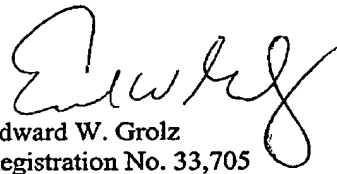
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Dated: June 1, 2004


Edward W. Grolz

Based on the above, it is respectfully requested that the attached Request for Corrected Filing Receipt be granted and the corrected filing receipt be issued as indicated in said Request.

Respectfully submitted,



Edward W. Grolz
Registration No. 33,705

SCULLY, SCOTT, MURPHY & PRESSER
400 Garden City Plaza
Garden City, New York 11530
(516) 742-4343

EWG/nd
(encs)

SCULLY, SCOTT, MURPHY & PRESSER
400 GARDEN CITY PLAZA
GARDEN CITY, NEW YORK 11530

Telephone: (516) 742-4343
Facsimile: (516) 742-4366
E-Mail: intprop@ssmp.com

FACSIMILE TRANSMISSION

To: U. S. Patent and Trademark Office Attention: Corrected Filing Receipt
Date: June 1, 2004
Fax # 703-746-9195 Pages: 7 (including cover sheet)
From: SCULLY, SCOTT, MURPHY & PRESSER
Re: Timothy J. Miller, et al.
RECOMBINANT FELINE CORONAVIRUS S PROTEINS
U.S. Patent Appln. No.: 10/646,874
Our Docket: 15463ZYXWV

COMMENTS:

The Filing Receipt for the above-identified Patent Application has the Domestic Priority data as claimed by applicant incomplete and should read:

Domestic Priority data as claimed by applicant:

This application is a CON of 09/854,799 05/14/2001 PAT 6,642,359 which is a CON of 08/392,459 02/22/1995 PAT 6,280,974 which is a CON of 07/847,018 04/08/1992 ABN; which is a 371 of PCT/US91/08525, filed 11/14/1991; which is a CIP of 07/698,927 05/13/1991 ABN; which is a CIP of 07/613,066 11/14/1990 ABN;

Please send to us a corrected Filing Receipt with the information as it is shown above, and on the pages to follow.

Thank you.

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IN THE SPECIFICATION:

Please insert at page 1, line 2, with the following paragraph:

--Cross Reference To Related Applications

The present application is a continuation of Application Serial No. 09/854,799, filed May 14, 2001, which is a continuation of Application Serial No. 08/392,459, filed February 22, 1995; which is a continuation of Application Serial No. 07/847,018, filed April 8, 1992, now abandoned; which is a 371 of PCT/US91/08525, filed November 14, 1991; which is a continuation-in-part of Application Serial No. 07/698,927, filed May 13, 1991, now abandoned; which is a continuation-in-part of Application Serial No. 07/613,066, filed November 14, 1990, now abandoned.--

Please amend the paragraph beginning on page 8, line 7, as follows:

~~Figure 3 (3-1 to 3-2) illustrates~~ Figures 3A-3B illustrate the nucleotide {(SEQ ID NO: 19)} and amino acid sequence {(SEQ ID NO: 20)} of the PCR expression clone AR58-3.

Please amend the paragraph beginning on page 8, line 10, as follows:

~~Figure 4 (4-1 to 4-12) illustrates~~ Figures 4A-4L illustrate the S gene nucleotide and amino acid sequences of DF2 FIPV {(SEQ ID NO: 21 and 22)}. Also illustrated is a fragment of the sequences of DF2-HP {(SEQ ID NO: 23 and 24)} which are identical to the sequences of DF2 FIPV (to the extent DF2 FIPV has been sequenced) with the exception of the nucleotide changes above and amino acid differences below the DF2-HP sequences.

Please amend the paragraph beginning on page 8, line 17, as follows:

~~Figure 5 (5-1 to 5-12) illustrates~~ Figures 5A-5L illustrate a fragment of the S gene TS-BP nucleotide sequence {(SEQ ID NO: 27)} and amino acid sequence {(SEQ ID NO: 28)} by

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SERIAL NUMBER	FILING DATE	GRP. ART. UNIT.	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
07/847,018	04/08/92	1806	\$2,096.00	14532-CIP-2	30	50	11

WILLIAM T. KING
SMITHKLINE BEECHAM CORPORATION
CORPORATE PATENTS-U.S., UW2220
P.O. BOX 1539
KING OF PRUSSIA, PA 19406-0939

Receipt is acknowledged of the patent application identified herein. It will be considered in its order and you will be notified as to the examination thereof. Be sure to give the U.S. SERIAL NUMBER, DATE OF FILING, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this transmittal.

Applicant(s)

TIMOTHY J. MILLER, MALVERN, PA; ALBERT P. REED, EXTON, PA; SHARON R. KLEPFER, CLIFTON HEIGHTS, PA; NANCY E. PFEIFFER, SEWARD, NE; BRIAN T. SUITER, LINCOLN, NE; ELAINE V. JONES, WYNNEWOOD, PA.

FOREIGN/PCT APPLICATIONS-PCT

PCT/US91/08525 11/14/91

FOREIGN FILING LICENSE GRANTED 01/05/93
TITLE
RECOMBINANT FELINE CORONAVIRUS S PROTEINS
PRELIMINARY CLASS: 424

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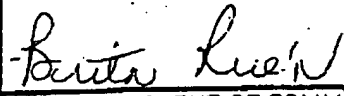
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INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(51) International Patent Classification 5 : A61K 39/12, C07K 3/00 C07H 15/12, C12P 21/06 C12Q 1/70, 1/68, A61K 35/14	A1	(11) International Publication Number: WO 92/08487 (43) International Publication Date: 29 May 1992 (29.05.92)
(21) International Application Number: PCT/US91/08525 (22) International Filing Date: 14 November 1991 (14.11.91) (30) Priority data: 613,066 16 November 1990 (16.11.90) US 698,927 13 May 1991 (13.05.91) US (71) Applicant (for all designated States except US): SMITH-KLINE BEECHAM CORPORATION [US/US]; Corporate Patents - U.S., 709 Swedeland Road, P.O. Box 1539, King of Prussia, PA 19406 (US). (72) Inventors; and (75) Inventors/Applicants (for US only): MILLER, Timothy, J. [US/US]; 102 Crestside Way, Malvern, PA 19355 (US). REED, Albert, Paul [US/US]; 117 Baker Circle, Exton, PA 19341 (US). KLEPPER, Sharon, R. [US/US]; 136 N. Glenwood Avenue, Clifton Heights, PA 19018 (US). PFEIFFER, Nancy, E. [US/US]; Route 1, Box 20, Seaward, NB 68434 (US). SUITER, Brian, T. [US/US]; 6211 South 42nd Street, Lincoln, NB 68516 (US). JONES, Elaine, V. [US/US]; 1217 Andover Road, Greenhill Farms, PA 19151 (US).		(74) Agents: KING, William, T. et al.; SmithKline Beecham Corporation, Corporate Patents - U.S. (UW2220), 709 Swedeland Road, P.O. Box 1539, King of Prussia, PA 19406 (US). (81) Designated States: AT (European patent), AU, BE (European patent), CA, CH (European patent), DE (European patent), DK (European patent), ES (European patent), FR (European patent), GB (European patent), GR (European patent), IT (European patent), JP, KR, LU (European patent), NL (European patent), SE (European patent), US. Published <i>With international search report.</i>
(54) Title: RECOMBINANT FELINE CORONAVIRUS S PROTEINS		
(57) Abstract Novel galactokinase/FIPV S fusion proteins and their use as vaccine components, therapeutic agents, diagnostic agents, as well as methods of making same are provided.		

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Oct 21 11 04 AM '92

PATRICK A. SCHRECK SMITHKLINE BEECHAM CORPORATION CORPORATE PATENTS-U.S. UW2220 P. O. BOX 1539 KING OF PRUSSIA, PA 19406-0939		UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495
Date of Mailing 15 October 1992		File Reference 14532
IDENTIFICATION OF THE INTERNATIONAL APPLICATION		
International application Number PCT/US91/08525	International filing date 14 NOV 1991	Priority date claimed 14 NOV 1990
Applicant for DO/EO/US MILLER, TIMOTHY J.		
NOTIFICATION		
<p>The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a <input checked="" type="checkbox"/> Designated Office, <input type="checkbox"/> Elected Office, has determined that the above identified international application has met the requirements of 35 U.S.C. 371 and 37 CFR <input checked="" type="checkbox"/> 1.494, <input type="checkbox"/> 1.495 and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.</p> <p>The United States Serial Number assigned to the application and the relevant dates are: <u>07/897,018</u> <u>08 APR 1992</u> <u>08 APR 1992</u> U.S. NATIONAL SERIAL NO. 35 U.S.C. 102(e) DATE DATE OF RECEIPT 35 U.S.C. 371 REQUIREMENTS</p> <p><input type="checkbox"/> A request for immediate examination under 35 U.S.C. 371 (f) was received on _____ and the application will be examined in turn.</p> <p><input checked="" type="checkbox"/> No request for immediate examination under 35 U.S.C. 371(f) was received. The application will not be processed or examined before the time limit set forth in either <input type="checkbox"/> PCT Article 23 (Chapter I of the PCT), or <input type="checkbox"/> PCT Article 40 (Chapter II of the PCT) whichever is applicable.</p>		
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SERIAL NUMBER	FILING DATE	GRP. ART. UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
07/847,018	04/08/92	1806	\$2,096.00	14532-CIP-2	30	50	11

WILLIAM T. KING
SMITHKLINE BEECHAM CORPORATION
CORPORATE PATENTS-U.S., UW2220
P.O. BOX 1539
KING OF PRUSSIA, PA 19406-0939

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FOREIGN/PCT APPLICATIONS-PCT

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TITLE

RECOMBINANT FELINE CORONAVIRUS S PROTEINS

PRELIMINARY CLASS: 424

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PATRICK A. SCHRECK SMITHKLINE BEECHAM CORPORATION CORPORATE PATENTS-U.S. JW2220 P. O. BOX 1539 KING OF PRUSSIA, PA 19406-0939		UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495	
Date of Mailing		15 October 1992	
File Reference		14532 October 1992	
IDENTIFICATION OF THE INTERNATIONAL APPLICATION			
International application Number PCT/US91/08525	International filing date 14 NOV 1991	Priority date claimed 14 NOV 1990	
Applicant for DO/EO/US MILLER, TIMOTHY J.			
NOTIFICATION			
<p>The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a <input checked="" type="checkbox"/> Designated Office, <input type="checkbox"/> Elected Office, has determined that the above identified international application has met the requirements of 35 U.S.C. 371 and 37 CFR <input checked="" type="checkbox"/> 1.494, <input type="checkbox"/> 1.495 and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.</p> <p>The United States Serial Number assigned to the application and the relevant dates are: <u>07/897,018</u> <u>08 APR 1992</u> <u>08 APR 1992</u> U.S. NATIONAL SERIAL NO. 35 U.S.C. 102(e) DATE DATE OF RECEIPT 35 U.S.C. 371 REQUIREMENTS</p> <p><input type="checkbox"/> A request for immediate examination under 35 U.S.C. 371 (f) was received on _____ and the application will be examined in turn.</p> <p><input checked="" type="checkbox"/> No request for immediate examination under 35 U.S.C. 371(f) was received. The application will not be processed or examined before the time limit set forth in either <input type="checkbox"/> PCT Article 23 (Chapter I of the PCT), or <input type="checkbox"/> PCT Article 40 (Chapter II of the PCT) whichever is applicable.</p>			
UNITED STATES DESIGNATED/ELECTED OFFICE			
ADDRESS ONLY; COMMISSIONER OF PATENTS AND TRADEMARKS Box PCT, Attn. DO/EO/US Washington, D.C. 20231		AUTHORIZED OFFICER <i>Barbara Luehn</i>	

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